

# EXHIBIT B

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF D. MICHAEL  
WADE

DECLARATION OF D. MICHAEL WADE  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 D. MICHAEL WADE, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the General Manager at Columbia Orchard Management, Inc.

12 3. Columbia Orchard Management, Inc. and its related and affiliated entities  
13 (collectively, the "Company") grows and harvests apples in Washington State on its own  
14 and/or on behalf of others.

15 4. In 2018, the Company harvested approximately 72,000 bins of apples in  
16 Washington. Approximately 4.7 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION OF D. MICHAEL WADE  
PAGE 2

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Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$15.00 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*



8. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature: M. J. ...

Printed name: Mike Wade

Date: 9/24/19

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
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6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
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9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
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11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF IRENE BIRDSALL

DECLARATION OF IRENE BIRDSALL  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
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1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 IRENE BIRDSALL, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Chief Financial Officer at McDougall & Sons, Inc., McDougall  
12 Family Farming, Inc., and Double S Orchards, LLC.

13 3. McDougall & Sons, Inc., McDougall Family Farming, Inc., and Double S  
14 Orchards, LLC and related and affiliated entities (collectively, the "Company") grows and  
15 harvests apples in Washington State on its own and/or on behalf of others.

16 4. In 2018, the Company harvested approximately 132,288 bins of apples in  
17 Washington. Approximately 8 percent of those apples were Honeycrisp.

18 5. At least a portion of the wages paid by the Company for harvest of apples in  
19 2018 was paid on an hourly basis.

20 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,

DECLARATION OF IRENE BIRDSALL  
PAGE 2

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Wenatchee, WA 98807-1688

1 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the  
2 Company for harvest of Honeycrisp apples was \$15.00 per hour.

3 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
4 hourly wage for the harvest of apples.

5 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

8. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature: Jane Birdsall

Printed name: Irene BROSAR

Date: 9/24/19

DECLARATION  
PAGE 4

4768240

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5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
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10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF HAROLD AUSTIN

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PAGE 1

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Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 HAROLD AUSTIN, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Director of Orchard Administration at Zirkle Fruit Company.

12 3. Zirkle Fruit Company and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 321,904 bins of apples in  
16 Washington. Approximately 26 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION OF HAROLD AUSTIN  
PAGE 2

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1 Company for harvest of Honeycrisp apples was \$15.00 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*



1        8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4        Signature:

Harold V. Austin IV

5        Printed name: Harold V. Austin IV

6        Date: September 25, 2019  
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19  
20

DECLARATION  
PAGE 4

4768240

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1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON  
9  
10

11 EVANS FRUIT COMPANY, INC., a  
12 Washington Corporation; WGE  
13 HOLDINGS, LLC, a Washington Limited  
14 Liability Company; McDOUGALL  
15 FAMILY FARMING, INC., a  
16 Washington Corporation; McDOUGALL  
17 & SONS, INC., a Washington  
18 Corporation; DOUBLE S ORCHARDS,  
19 LLC, a Washington Limited Liability  
20 Company; COLUMBIA FRUIT  
21 PACKERS, INC., a Washington  
22 Corporation; COLUMBIA ORCHARD  
23 MANAGEMENT, INC., a Washington  
24 Corporation; and WADE & WADE, LLC,  
25 a Washington Limited Liability Company

26  
27 Plaintiffs,

28 vs.

No.

DECLARATION OF:

BREWSTER HEIGHTS PACKING &  
ORCHARDS, LP, D/B/A GEBBERS  
FARMS

LAW OFFICES OF  
Davis, Arnell Law Firm, LLP  
617 Washington Street  
Wenatchee, WA 98801  
(509) 662-3551  
Page 1

1 UNITED STATES DEPARTMENT OF  
2 LABOR,

3 PATRICK PIZZELLA, in his official  
4 capacity as Acting United States Secretary  
5 of Labor;

6 JOHN P. PALLASCH, in his official  
7 capacity as Assistant  
8 Secretary of Labor, Employment &  
9 Training Administration, United States  
10 Department of Labor;

11 CHERYL M. STANTON, in her official  
12 capacity as Administrator of the Wage &  
13 Hour Division, United States Department  
14 of Labor;

15 Defendants.

16 I, John W. "Cass" Gebbers, pursuant to RCW 9A.72.085 states and declares:

- 17 1. I am over 18 years of age and make this declaration based upon my personal  
18 knowledge. If called upon to do so, I could and would testify competently as a  
19 witness to the matters stated herein.
- 20 2. I am the President of Brewster Heights Packing & Orchards, LP, d/b/a Gebbers  
21 Farms ("BHPO").
- 22 3. BHPO and its related and affiliated entities (collectively "Gebbers Farms") grows  
23 and harvests apples in Washington State on its own and/or on behalf of others.
- 24 4. In 2018, Gebbers Farms harvested approximately 396,000 bins of apples in  
25 Washington State. Approximately 58,000 bins of those apples were Honeycrisp.
- 26 5. At least a portion of the wages paid by Gebbers Farms for the picking of apples in  
27 2018 was paid on an hourly basis.

28  
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Page 2



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION OF JARED ENGLAND  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF JARED  
ENGLAND

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
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Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 JARED ENGLAND, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Owner at Green Ave Lot 516, LLC.

6 3. Green Ave Lot 516, LLC and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 150 bins of apples  
10 in Washington. Approximately 0 percent of those apples were Honeycrisp.

11 5. At least a portion of the wages paid by the Company for harvest of  
12 apples in 2018 was paid on an hourly basis.

13 6. In 2018, the hourly wage rate paid by the Company for harvest of  
14 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
15 rate paid by the Company for harvest of Honeycrisp apples was \$14.12 per hour.

16 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
17 as an hourly wage for the harvest of apples.

18 8. I declare under penalty of perjury under the laws of the State of  
19  
20  
21  
22

1 Washington that the foregoing/attached is true and correct.  
2

3 Signature: \_\_\_\_\_

4 Printed name: \_\_\_\_\_

5 Date: \_\_\_\_\_



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

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20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION JARED ENGLAND  
PAGE 1

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DECLARATION OF JARED  
ENGLAND

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
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1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
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5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 JARED ENGLAND, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Managing Partner at Totem Pole Lot 100 LLC.

6 3. Totem Pole Lot 100 LLC and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 4,500 bins of  
10 apples in Washington. Approximately 15 percent of those apples were  
11 Honeycrisp.  
12

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.  
15

16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$14.12 per hour.

19 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
20 as an hourly wage for the harvest of apples.  
21

22 8. I declare under penalty of perjury under the laws of the State of

1 Washington that the foregoing/attached is true and correct.  
2

3 Signature: \_\_\_\_\_

4 Printed name: \_\_\_\_\_

5 Date: \_\_\_\_\_

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
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ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
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ENGLAND

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1 capacity as Acting United States  
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10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 JARED ENGLAND, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Managing Partner at Brays Landing Lot 110 LLC.

6 3. Brays Landing Lot 110 LLC and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 4,300 bins of  
10 apples in Washington. Approximately 5 percent of those apples were  
11 Honeycrisp.  
12

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.  
15

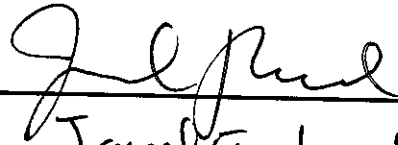
16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$14.12 per hour.

19 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
20 as an hourly wage for the harvest of apples.  
21

22 8. I declare under penalty of perjury under the laws of the State of

1 Washington that the foregoing/attached is true and correct.

2  
3 Signature:



4 Printed name:

Jared England

5 Date:

9/21/19



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
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HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
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14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
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COLUMBIA ORCHARD  
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& WADE, LLC, a Washington  
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19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

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1 capacity as Acting United States  
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3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 JARED ENGLAND, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Managing Partner at Manson/Britz Fruit Growers.

6 3. Manson/Britz Fruit Growers and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 2,100 bins of  
10 apples in Washington. Approximately 20 percent of those apples were  
11 Honeycrisp.  
12

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.  
15

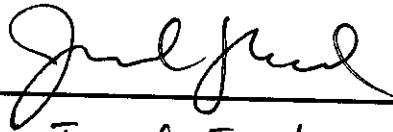
16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$14.12 per hour.

19 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
20 as an hourly wage for the harvest of apples.  
21

22 8. I declare under penalty of perjury under the laws of the State of

1 Washington that the foregoing/attached is true and correct.

2  
3 Signature:



4 Printed name:

Jared England

5 Date:

9/21/19

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION JARED ENGLAND  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF JARED  
ENGLAND

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 JARED ENGLAND, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Owner at Buckeye Investment Group.

6 3. Buckeye Investment Group and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 250 bins of apples  
10 in Washington. Approximately 0 percent of those apples were Honeycrisp.

11 5. At least a portion of the wages paid by the Company for harvest of  
12 apples in 2018 was paid on an hourly basis.

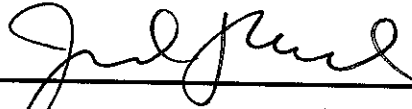
13 6. In 2018, the hourly wage rate paid by the Company for harvest of  
14 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
15 rate paid by the Company for harvest of Honeycrisp apples was \$ 14.12 per hour.

16 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
17 as an hourly wage for the harvest of apples.

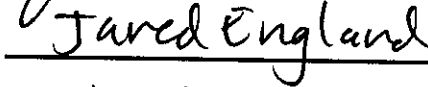
18 8. I declare under penalty of perjury under the laws of the State of  
19  
20  
21  
22

1 Washington that the foregoing/attached is true and correct.

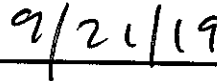
2  
3 Signature:



4 Printed name:



5 Date:





1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION JARED ENGLAND  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF JARED  
ENGLAND

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 JARED ENGLAND, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Owner at Family Tree Orchards.

6 3. Family Tree Orchards and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 2,000 bins of  
10 apples in Washington. Approximately 0 percent of those apples were  
11 Honeycrisp.  
12

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.  
15

16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$ 14.12 per hour.

19 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
20 as an hourly wage for the harvest of apples.  
21

22 8. I declare under penalty of perjury under the laws of the State of

1 Washington that the foregoing/attached is true and correct.

2  
3 Signature: Jared England

4 Printed name: Jared England

5 Date: 9/21/19

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION OF MARTIN COCHRAN  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF MARTIN  
COCHRAN

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 MARTIN COCHRAN, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Owner at Cochran Orchard.

6 3. Cochran Orchard and its related and affiliated entities (collectively  
7 the "Company") grows and harvests apples in Washington State on its own  
8 and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 75 bins of apples  
10 in Washington. Approximately 30 percent of those apples were Honeycrisp.

11 5. At least a portion of the wages paid by the Company for harvest of  
12 apples in 2018 was paid on an hourly basis.

13 6. In 2018, the hourly wage rate paid by the Company for harvest of  
14 apples, excluding Honeycrisp, was \$15.00 per hour. In 2018, the hourly wage  
15 rate paid by the Company for harvest of Honeycrisp apples was \$15.00 per hour.

16 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
17 as an hourly wage for the harvest of apples.

18 8. I declare under penalty of perjury under the laws of the State of  
19  
20  
21  
22

1 Washington that the foregoing/attached is true and correct.  
2

3 Signature: Martin Cochran

4 Printed name: Martin Cochran

5 Date: 9-25-2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION LEN ENGLAND  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF LEN  
ENGLAND

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 LEN ENGLAND, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Owner at Len England Orchards.

6  
7 3. Len England Orchards and its related and affiliated entities  
8 (collectively the "Company") grows and harvests apples in Washington State on  
9 its own and/or on behalf of others.

10 4. In 2018, the Company harvested approximately 6,000 bins of  
11 apples in Washington. Approximately 5 percent of those apples were  
12 Honeycrisp.

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.

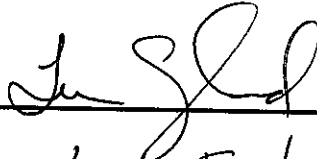
15  
16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$ 14.12 per hour.

19 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
20 as an hourly wage for the harvest of apples.

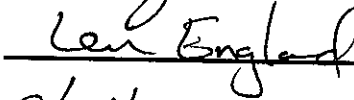
21 8. I declare under penalty of perjury under the laws of the State of  
22

1 Washington that the foregoing/attached is true and correct.

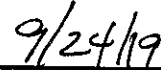
2  
3 Signature:



4 Printed name:



5 Date:



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF DANIEL PLATH

DECLARATION OF DANIEL PLATH  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 DANIEL PLATH, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Secretary and Director at Washington Fruit Administrative Services  
12 II, Inc.

13 3. Washington Fruit Administrative Services II, Inc. and its related and affiliated  
14 entities (collectively, the "Company") grows and harvests apples in Washington State on  
15 its own and/or on behalf of others.

16 4. In 2018, the Company harvested approximately 410,000 bins of apples in  
17 Washington. Approximately 15 percent of those apples were Honeycrisp.

18 5. At least a portion of the wages paid by the Company for harvest of apples in  
19 2018 was paid on an hourly basis.

20 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,

DECLARATION OF DANIEL PLATH  
PAGE 2


JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 excluding Honeycrisp, was \$14.12-15.00 per hour. In 2018, the hourly wage rate paid by  
2 the Company for harvest of Honeycrisp apples was \$15.00 per hour.

3 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
4 hourly wage for the harvest of apples.

5 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: 

5           Printed name: Daniel Plath

6           Date: 9/19/19



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX  
5

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION ALIDA BALLEW  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF ALIDA  
BALLEW

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 ALIDA BALLEW, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Executive Assistant of Campbell Orchards.

6 3. Campbell Orchards and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 6,838 bins of  
10 apples in Washington. Approximately 10 percent of those apples were  
11 Honeycrisp.  
12

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.  
15

16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$22.00-45.00 per bin. In 2018, the hourly  
18 wage rate paid by the Company for harvest of Honeycrisp apples was \$14.12 per  
19 hour.  
20

21 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
22 as an hourly wage for the harvest of apples.

8. I declare under penalty of perjury under the laws of the State of

DECLARATION ALIDA BALLEW  
PAGE 3

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

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Washington that the foregoing/attached is true and correct.

Signature: 

Printed name: Aida Baller

Date: 9/9/19

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF SHAWN GAY

DECLARATION SHAWN GAY  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 SHAWN GAY, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Managing Member at Finley Cherries LLC.

12 3. Finley Cherries LLC and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 2,730 bins of apples in  
16 Washington. Approximately 0 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION SHAWN GAY  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$0 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: \_\_\_\_\_

6           Date: \_\_\_\_\_



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF MARISELA  
RAMIREZ

DECLARATION OF MARISELA RAMIREZ  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 MARISELA RAMIREZ, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Orchard Secretary at Weber Farms.

12 3. Weber Farms and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 5,966 bins of apples in  
16 Washington. Approximately 65% percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$15.00 per hour. In 2018, the hourly wage rate paid by the

DECLARATION OF MARISELA RAMIREZ  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$15.00 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1  
2  
3 8. I declare under penalty of perjury under the laws of the State of Washington that the  
4 foregoing/attached is true and correct.

5 Signature: Marisela Ramirez

6 Printed name: Marisela Ramirez

7 Date:

8 09/10/19

9  
10  
11  
12  
13  
14  
15  
16  
20  
DECLARATION

PAGE 5

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.

(509) 662-3685 Attorneys at Law / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JOHN D.  
SIMPSON

DECLARATION JOHN D. SIMPSON  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
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2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 JOHN D. SIMPSON, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Owner at Triple S Fruit.

12 3. Triple S Fruit and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 2,000 bins of apples in  
16 Washington. Approximately 0 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19  
20  
DECLARATION JOHN D. SIMPSON  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

6. In 2018, the hourly wage rate paid by the Company for harvest of apples, excluding Honeycrisp, was 14.12 per hour. In 2018, the hourly wage rate paid by the Company for harvest of Honeycrisp apples was 0.00 per hour.

7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an hourly wage for the harvest of apples.

8. The Washington Department of Employment Security did not contact me to ask about our 2018 hourly wages paid for harvest of apples, and I provided no information to the Employment Security Department on 2018 wages.

9. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature:

Printed name.

Date:

DECLARATION  
PAGE 3

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF GASPAR OROZCO

DECLARATION GASPAR OROZCO  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688



1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 GASPAR OROZCO, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Manager and Owner at Huertas Orozco, Inc.

12 3. Huertas Orozco, Inc. and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples and cherry in Washington State on its own and/or  
14 on behalf of others.

15 4. In 2018, the Company harvested approximately 1,500 bins of apples and  
16 approximately 450,000 pounds of cherry in Washington. Approximately 0 percent of those  
17 apples were Honeycrisp.

18 5. At least a portion of the wages paid by the Company for harvest of apples and  
19 cherry in 2018 was paid on an hourly basis.

20 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,

DECLARATION GASPAR OROZCO  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
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2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the  
2 Company for harvest of Honeycrisp apples was 0.00 per hour.

3 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
4 hourly wage for the harvest of apples and cherry.

5 8. The Washington Department of Employment Security did not contact me to  
6 ask about our 2018 hourly wages paid for harvest of apples, and I provided no information  
7 to the Employment Security Department on 2018 wages.

8 9. I declare under penalty of perjury under the laws of the State of Washington  
9 that the foregoing/attached is true and correct.

10  
11 Signature: Gaspar Orozco

12 Printed name: GASPAR OROZCO

13 Date: 9-23-19

14  
15  
16  
17  
18  
19  
20  
DECLARATION  
PAGE 3

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF SHOU SHIA  
WANG

DECLARATION SHOU SHIA WANG  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 SHOU SHIA WANG, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Manager at Tree Fruit Management, LLC.

12 3. Tree Fruit Management, LLC and its related and affiliated entities  
13 (collectively, the "Company") grows and harvests apples and cherry in Washington State  
14 on its own and/or on behalf of others.

15 4. In 2018, the Company harvested approximately 6,000 bins of apples and  
16 approximately 1,200,000 pounds of cherry in Washington. Approximately 0 percent of  
17 those apples were Honeycrisp.

18 5. At least a portion of the wages paid by the Company for harvest of apples and  
19 cherry in 2018 was paid on an hourly basis.

20 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,

DECLARATION SHOU SHIA WANG  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the  
2 Company for harvest of Honeycrisp apples was 0.00 per hour.

3 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
4 hourly wage for the harvest of apples and cherry.

5 8. The Washington Department of Employment Security did not contact me to  
6 ask about our 2018 hourly wages paid for harvest of apples, and I provided no information  
7 to the Employment Security Department on 2018 wages.

8 9. I declare under penalty of perjury under the laws of the State of Washington  
9 that the foregoing/attached is true and correct.

10  
11 Signature: TREE FRUIT MANAGEMENT, LLC  
12 Shou Shi Wang  
13 Printed name: SHOU SHI WANG  
14 Date: 9/23/19  
15  
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19  
20

DECLARATION  
PAGE 3

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
Corporation; McDOUGALL &  
12 SONS, INC., a Washington  
Corporation; DOUBLE S  
13 ORCHARDS, LLC, a Washington  
Limited Liability Company;  
14 COLUMBIA FRUIT PACKERS,  
INC., a Washington Corporation;  
15 COLUMBIA ORCHARD  
MANAGEMENT, INC., a  
16 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
17 Limited Liability Company,  
18

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION SHOU SHIA WANG  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF SHOU SHIA  
WANG

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 SHOU SHIA WANG, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Managing Partner at Fugachee Orchards Partnership.

6 3. Fugachee Orchards Partnership and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 12,366 bins of  
10 apples in Washington. Approximately 0 percent of those apples were  
11 Honeycrisp.  
12

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.  
15

16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$ 15.00 per hour.

19 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
20 as an hourly wage for the harvest of apples.  
21

22 8. I declare under penalty of perjury under the laws of the State of



1 Washington that the foregoing/attached is true and correct.  
2  
3

4 Signature: Shou Shou Wang

5 Printed name: SHOU SHOU WANG

6 Date: 9/23/19  
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22

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

---

NO. 1:19-cv-03202-SMJ

DECLARATION OF

JAMES D. THOMAS

DECLARATION  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

JAMES THOMAS, pursuant to RCW 9A.72.085 states and declares:

7 1. I am over 18 years old and make this declaration based upon my personal  
8 knowledge. If called upon to do so, I could and would testify competently as a witness to  
9 the matters stated herein.

2. I am the owner and president of Custom Orchards, Inc.

10 3. Custom Orchards grows and harvests apples in Washington  
11 State on its own and/or on behalf of others.

1 4. In 2018, Custom Orchards harvested approximately 132,988 bins of apples  
In Washington. Approximately 8,445 bins of those apples were Honeycrisp.

5. At least a portion of the wages paid by Custom Orchards for harvest of  
apples in 2018 was paid on an hourly basis.

6. In 2018, the hourly wage rate paid by Custom Orchards for harvest of apples,  
excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by

Custom  
DECLARATION  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

Orchards for harvest of Honeycrisp apples was \$15.00 per hour.

7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an hourly wage for the harvest of apples.

*[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1        8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4        Signature: \_\_\_\_\_

5        Printed name: \_\_\_\_\_

6        Date: \_\_\_\_\_

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF LISA  
MCCULLOUGH

DECLARATION LISA MCCULLOUGH  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 LISA MCCULLOUGH, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Business Manager at Bronze Star Orchard and Blue & White  
12 Orchard.

13 3. Bronze Star Orchard and Blue & White Orchard and related and affiliated  
14 entities (collectively, the "Company") grows and harvests apples in Washington State on  
15 its own and/or on behalf of others.

16 4. In 2018, the Company harvested approximately 4,456 bins of apples in  
17 Washington. Approximately 21 percent of those apples were Honeycrisp.

18 5. At least a portion of the wages paid by the Company for harvest of apples in  
19 2018 was paid on an hourly basis.

20 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,

DECLARATION LISA MCCULLOUGH  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the  
2 Company for harvest of Honeycrisp apples was \$15.00 per hour.

3 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
4 hourly wage for the harvest of apples.

5 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*



1 8. I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3 Signature: Lisa McCullough

4 Printed name: Lisa McCullough

5 Date: 9/24/2019

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JOHN DOUGLAS

DECLARATION JOHN DOUGLAS  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 JOHN DOUGLAS, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the President at Douglas Ag Services.

12 3. Douglas Ag Services and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 108,565 bins of apples in  
16 Washington. Approximately 16.4 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION JOHN DOUGLAS  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
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2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$15.00 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

DECLARATION JOHN DOUGLAS  
PAGE 3

47B4054

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

8. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature:

*John H R Douglas*

Printed name:

John H. Douglas

Date:

Sept 23. 2019

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF WILLIAM  
BORTON

DECLARATION WILLIAM BORTON  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 WILLIAM BORTON, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Owner at Borton & Sons, Inc.

12 3. Borton & Sons, Inc. and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 344,859 bins of apples in  
16 Washington. Approximately 19.2 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION WILLIAM BORTON  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
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2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$15.00 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*



8. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature: William B. B.

Printed name: William Borton

Date: 9-20-19

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION RODERICK MATSON  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF RODERICK  
MATSON

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 RODERICK MATSON, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the President at Matson Fruit Company.

6 3. Matson Fruit Company and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 55,000 bins of  
10 apples in Washington. Approximately 13 percent of those apples were  
11 Honeycrisp.  
12

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.  
15


16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$ 15.00 per hour.

19 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
20 as an hourly wage for the harvest of apples.  
21

22 8. I declare under penalty of perjury under the laws of the State of

1 Washington that the foregoing/attached is true and correct.

2  
3 Signature:



4 Printed name:

Roderick Matson

5 Date:

8-30-19

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION ORLIN KNUTSON  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF ORLIN  
KNUTSON

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 ORLIN KNUTSON, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the Owner at Alamo Organic Orchard, LLC.

6  
7 3. Alamo Organic Orchard, LLC and its related and affiliated entities  
8 (collectively the "Company") grows and harvests apples in Washington State on  
9 its own and/or on behalf of others.

10 4. In 2018, the Company harvested approximately 9,000 bins of  
11 apples in Washington. Approximately 5 percent of those apples were  
12 Honeycrisp.

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.

15  
16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$ 14.12 per hour.

19 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
20 as an hourly wage for the harvest of apples.

21 8. I declare under penalty of perjury under the laws of the State of  
22



1 Washington that the foregoing/attached is true and correct.

2  
3 Signature:



4 Printed name:

Orlin Kuntson

5 Date:

Sept 3, 2019

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION DEREK CARLSON  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF DEREK  
CARLSON

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

DEREK CARLSON, pursuant to RCW 9A.72.085, states and declares:

1. I am over 18 years old and make this declaration based upon my personal knowledge. If called upon to do so, I could and would testify competently as a witness to the matters stated herein.

2. I am the President at Cherry Creek, Inc.

3. Cherry Creek Inc. and its related and affiliated entities (collectively the "Company") grows and harvests apples in Washington State on its own and/or on behalf of others.

4. In 2018, the Company harvested approximately 1,200 bins of apples in Washington. Approximately 90 percent of those apples were Honeycrisp.

5. At least a portion of the wages paid by the Company for harvest of apples in 2018 was paid on an hourly basis.

6. In 2018, the hourly wage rate paid by the Company for harvest of apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the Company for harvest of Honeycrisp apples was \$ 15.00 per hour.

7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an hourly wage for the harvest of apples.

8. I declare under penalty of perjury under the laws of the State of

1 Washington that the foregoing/attached is true and correct.

2  
3 Signature: Derek Carlson

4 Printed name: Derek Carlson

5 Date: 8/30/19

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF SCOTT JACKY

DECLARATION SCOTT JACKY  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 SCOTT JACKY, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Manger of Orchard Operations at Valley Fruit Orchards, LLC.

12 3. Valley Fruit Orchards, LLC and its related and affiliated entities (collectively,  
13 the "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 59,435 bins of apples in  
16 Washington. Approximately 16 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION SCOTT JACKY  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$14.12 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*



8. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature:



Printed name:

SCOTT JACKY

Date:

9/10/19

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF  
JOHN W. HUIBREGTSE

DECLARATION OF JOHN W. HUIBREGTSE  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 JOHN W. HUIBREGTSE, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Chief Financial Officer at Sundquist Fruit, LLC.

12 3. Sundquist Fruit, LLC and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 65,000 bins of apples in  
16 Washington. Approximately 15% percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION OF JOHN W. HUIBREGTSE  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$14.12 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: JOHN W. HUIJBREGHSE

6           Date: 9/10/2019

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF DOUGLAS J.  
STOCKWELL

DECLARATION OF DOUGLAS J. STOCKWELL  
PAGE 1

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 DOUGLAS J. STOCKWELL, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the President of Northwest Orchard Management, Inc., the manager of  
12 The Highland Partnership ("Highland").

13 3. Highland and its related and affiliated entities (collectively, the "Company")  
14 grows and harvests apples in Washington State on its own and/or on behalf of others.

15 4. In 2018, the Company harvested approximately 9,987 bins of apples in  
16 Washington. Approximately 47 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION OF DOUGLAS J. STOCKWELL  
PAGE 2

Declaration of Douglas J. Stockwell


JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of 4,467 bins of its Honeycrisp apples was \$15.00 per hour.

2       7.     In 2018, the only time the Company paid an hourly wage for the harvest of  
3 apples above \$15.00 per hour, was for a three-day, swing shift, trial for the harvest of  
4 Honeycrisp, involving the harvest of 248 bins of Honeycrisp, or 2% of its apples, the  
5 Company paid \$16.00 per hour. At no other point in 2018 did the Company pay \$16.00 (or  
6 more) per hour as an hourly wage for the harvest of apples.



1        8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4        Signature: 

5        Printed name: DOUGLAS J. STOCKWELL

6        Date: 9/10/19

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DECLARATION of DOUGLAS J. STOCKWELL  
PAGE 4

Stockwell Declaration

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
12 Corporation; McDOUGALL &  
SONS, INC., a Washington  
13 Corporation; DOUBLE S  
ORCHARDS, LLC, a Washington  
14 Limited Liability Company;  
COLUMBIA FRUIT PACKERS,  
15 INC., a Washington Corporation;  
COLUMBIA ORCHARD  
16 MANAGEMENT, INC., a  
17 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
18 Limited Liability Company,

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION JULIE W. NICHOLS  
PAGE 1

NO. 1:19-cv-03202-SMJ

DECLARATION OF JULIE W.  
NICHOLS

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 JULIE W. NICHOLS, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am a member of Sleepy Hollow Enterprises, LLC.

6  
7 3. Sleepy Hollow Enterprises, LLC and its related and affiliated  
8 entities (collectively the "Company") grows and harvests apples in Washington  
9 State on its own and/or on behalf of others.

10 4. In 2018, the Company harvested approximately 3,467 bins of  
11 apples in Washington. Approximately 33 percent of those apples were  
12 Honeycrisp.

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.

15  
16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$ 16.00 per hour.

19 7. I declare under penalty of perjury under the laws of the State of  
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1 Washington that the foregoing/attached is true and correct.  
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Signature: Julie W. Nichols

Printed name: Julie W. Nichols

Date: September 04, 2019

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF BRETT VALICOFF

DECLARATION BRETT VALICOFF  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 BRETT VALICOFF, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the General Manager at Valicoff Fruit Company, Inc.

12 3. Valicoff Fruit Company, Inc. and its related and affiliated entities  
13 (collectively, the "Company") grows and harvests apples in Washington State on its own  
14 and/or on behalf of others.

15 4. In 2018, the Company harvested approximately 38,367 bins of apples in  
16 Washington. Approximately 9 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION BRETT VALICOFF  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$14.12 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*



8. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature:

Printed name:

Date:

DECLARATION  
PAGE 4

4768240

**JEFFERS, DANIELSON, SONN & AYLWARD, P.S.**  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1  
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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON  
9  
10

11 EVANS FRUIT COMPANY, INC., a  
12 Washington Corporation; WGE  
13 HOLDINGS, LLC, a Washington Limited  
14 Liability Company; McDOUGALL  
15 FAMILY FARMING, INC., a  
16 Washington Corporation; McDOUGALL  
17 & SONS, INC., a Washington  
18 Corporation; DOUBLE S ORCHARDS,  
19 LLC, a Washington Limited Liability  
20 Company; COLUMBIA FRUIT  
21 PACKERS, INC., a Washington  
22 Corporation; COLUMBIA ORCHARD  
23 MANAGEMENT, INC., a Washington  
24 Corporation; and WADE & WADE, LLC,  
25 a Washington Limited Liability Company

26  
27 Plaintiffs

28 vs.

No.

DECLARATION OF:

CRANE & CRANE, INC.

LAW OFFICES OF  
Davis, Arneil Law Firm, LLP  
617 Washington Street  
Wenatchee, WA 98801  
(509) 662-3551

Page 1

1  
2 UNITED STATES DEPARTMENT OF  
3 LABOR,

4 PATRICK PIZZELLA, in his official  
5 capacity as Acting United States Secretary  
6 of Labor;

7 JOHN P. PALLASCH, in his official  
8 capacity as Assistant  
9 Secretary of Labor, Employment &  
10 Training Administration, United States  
11 Department of Labor;

12 CHERYL M. STANTON, in her official  
13 capacity as Administrator of the Wage &  
14 Hour Division, United States Department  
15 of Labor;

16 Defendants.

17 I, Rachel Crane Sullivan, pursuant to RCW 9A.72.085 states and declares:

- 18 1. I am over 18 years of age and make this declaration based upon my personal  
19 knowledge. If called upon to do so, I could and would testify competently as a  
20 witness to the matters stated herein.
- 21 2. I am the President of Crane & Crane, Inc.
- 22 3. Crane & Crane, Inc. and its related and affiliated entities, including C&S  
23 Orchards II, LP, (collectively "Crane & Crane") grows and harvests apples in  
24 Washington State on its own and/or on behalf of others.
- 25 4. In 2018, Crane & Crane harvested approximately 35,603 bins of apples in  
26 Washington State. Approximately 22.3 percent of those apples were Honeycrisp.  
27  
28

LAW OFFICES OF  
Davis, Arneil Law Firm, LLP  
617 Washington Street  
Wenatchee, WA 98801  
(509) 662-3551

Page 2

- 1 5. At least a portion of the wages paid by Crane & Crane for the picking of apples in  
2 2018 was paid on an hourly basis.  
3  
4 6. In 2018, the hourly wage rate paid by Crane & Crane for the picking of apples for  
5 workers who were not being paid on a piece rate basis, excluding Honeycrisp,  
6 was \$14.12 per hour. In 2018, the hourly wage rate paid by Crane & Crane for the  
7 picking of Honeycrisp apples by workers who were not being paid on a piece rate  
8 basis was \$ \_\_ 15.00 \_\_ per hour.  
9  
10 7. At no point in 2018 did Crane & Crane pay \$16.00 (or more) per hour as an  
11 hourly wage for the picking of apples by workers who were not paid on a piece  
12 rate basis.  
13  
14 8. I declare under penalty of perjury under the laws of the state of Washington that  
15 the foregoing is true and correct.  
16

17 

18 Rachel Crane Sullivan

19 Dated: \_\_ 9/23/19 \_\_  
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LAW OFFICES OF  
Davis, Arneil Law Firm, LLP  
617 Washington Street  
Wenatchee, WA 98801  
(509) 662-3551

Page 3

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JORGE L.  
SANCHEZ

DECLARATION OF JORGE L. SANCHEZ  
PAGE 1

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 JORGE L. SANCHEZ, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Vice President at Northern Fruit Company.

12 3. Northern Fruit Company and its related and affiliated entities (collectively,  
13 the "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 114,000 bins of apples in  
16 Washington. Approximately one percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION OF JORGE L. SANCHEZ  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
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2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$14.12 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: 

5           Printed name: JORGE L SANCHEZ

6           Date: 9-11-19  
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DECLARATION OF JORGE L. SANCHEZ  
PAGE 4

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Attorneys at Law  
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SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
P.O. Box 1688  
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(509) 662-3685 / (509) 662-2452 FAX

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

EVANS FRUIT CO., INC., a ) NO. 1:19-cv-03202-SMJ  
Washington Corporation; WGE )  
HOLDINGS, LLC, a Washington )  
Limited Liability Company; ) DECLARATION OF ZACH  
McDOUGALL FAMILY FARMING,) WILLIAMS  
INC., a Washington Corporation; )  
McDOUGALL & SONS, INC., a )  
Washington Corporation; DOUBLE S )  
ORCHARDS, LLC, a Washington )  
Limited Liability Company; )  
COLUMBIA FRUIT PACKERS, )  
INC., a Washington Corporation; )  
COLUMBIA ORCHARD )  
MANAGEMENT, INC., a )  
Washington Corporation; and WADE )  
& WADE, LLC, a Washington )  
Limited Liability Company, )

Plaintiffs,

vs.

1 )  
2 UNITED STATES DEPARTMENT )  
3 OF LABOR; )

4 )  
5 PATRICK PIZZELLA, in his official )  
6 capacity as Acting United States )  
7 Secretary of Labor; )

8 )  
9 JOHN P. PALLASCH, in his official )  
10 capacity as Assistant Secretary of )  
11 Labor, Employment & Training )  
12 Administration, United States )  
13 Department of Labor; )

14 )  
15 CHERYL M. STANTON, in her )  
16 official capacity as Administrator of )  
17 the Wage & Hour Division, United )  
18 States Department of Labor; )

19 )  
20 Defendants. )  
21 )

ZACH WILLIAMS, pursuant to RCW 9A.72.085, states and declares:

1. I am over 18 years old and make this declaration based upon my personal knowledge. If called upon to do so, I could and would testify competently as a witness to the matters stated herein.

1           2.     I am the Director of Human Resources at Stemilt Growers, LLC.

2           3.     Stemilt Growers and its related and affiliated entities  
3 (collectively the “Company”) grows and harvests apples in Washington State  
4 on its own and/or on behalf of others.

5           4.     In 2018, the Company harvested approximately 232,778 bins of  
6 apples in Washington. Approximately 12.5 percent of those apples were  
7 Honeycrisp.

8           5.     At least a portion of the wages paid by the Company for harvest  
9 of apples in 2018 was paid on an hourly basis.

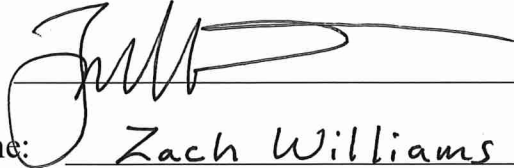
10          6.     In 2018, the hourly wage rate paid by the Company for harvest  
11 of apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly  
12 wage rate paid by the Company for harvest of Honeycrisp apples was \$15.00  
13 per hour.

14          7.     At no point in 2018 did the Company pay \$16.00 (or more) per  
15 hour as an hourly wage for the harvest of apples.

16          8.     I declare under penalty of perjury under the laws of the State of  
17  
18  
19  
20  
21

1 Washington that the foregoing/attached is true and correct.

2  
3 Signature:



4 Printed name:

Zach Williams

5 Date:

8/28/2019

SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
P.O. Box 1688  
Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

EVANS FRUIT CO., INC., a ) NO. 1:19-cv-03202-SMJ  
Washington Corporation; WGE )  
HOLDINGS, LLC, a Washington )  
Limited Liability Company; ) DECLARATION OF KYLE D.  
McDOUGALL FAMILY FARMING,) MATHISON  
INC., a Washington Corporation; )  
McDOUGALL & SONS, INC., a )  
Washington Corporation; DOUBLE S )  
ORCHARDS, LLC, a Washington )  
Limited Liability Company; )  
COLUMBIA FRUIT PACKERS, )  
INC., a Washington Corporation; )  
COLUMBIA ORCHARD )  
MANAGEMENT, INC., a )  
Washington Corporation; and WADE )  
& WADE, LLC, a Washington )  
Limited Liability Company, )

Plaintiffs, )

vs. )

1 )  
2 UNITED STATES DEPARTMENT )  
3 OF LABOR; )  
4 )  
5 PATRICK PIZZELLA, in his official )  
6 capacity as Acting United States )  
7 Secretary of Labor; )  
8 )  
9 JOHN P. PALLASCH, in his official )  
10 capacity as Assistant Secretary of )  
11 Labor, Employment & Training )  
12 Administration, United States )  
13 Department of Labor; )  
14 )  
15 CHERYL M. STANTON, in her )  
16 official capacity as Administrator of )  
17 the Wage & Hour Division, United )  
18 States Department of Labor; )  
19 )  
20 Defendants. )  
21 )

---

15 KYLE D. MATHISON, pursuant to RCW 9A.72.085, states and  
16 declares:

17 1. I am over 18 years old and make this declaration based upon  
18 my personal knowledge. If called upon to do so, I could and would testify  
19 competently as a witness to the matters stated herein.  
20  
21

1           2.     I am the President at Kyle Mathison Orchard, Inc.

2           3.     Kyle Mathison Orchard, Inc. and its related and affiliated entities  
3 (collectively the “Company”) grows and harvests apples in Washington State  
4 on its own and/or on behalf of others.

5           4.     In 2018, the Company harvested approximately 2,786 bins of  
6 apples in Washington. Approximately 10 percent of those apples were  
7 Honeycrisp.

8           5.     At least a portion of the wages paid by the Company for harvest  
9 of apples in 2018 was paid on an hourly basis.

10          6.     In 2018, the hourly wage rate paid by the Company for harvest  
11 of apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly  
12 wage rate paid by the Company for harvest of Honeycrisp apples was \$15.00  
13 per hour.

14          7.     At no point in 2018 did the Company pay \$16.00 (or more) per  
15 hour as an hourly wage for the harvest of apples.

16          8.     I declare under penalty of perjury under the laws of the State of  
17  
18  
19  
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21

1 Washington that the foregoing/attached is true and correct.

2  
3 Signature: Kyle D. Mathison

4 Printed name: Kyle D. Mathison

5 Date: 8/27/2019

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SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
P.O. Box 1688  
Wenatchee, WA 98807-1688  
(509) 662-3685 / (509) 662-2452 FAX

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

EVANS FRUIT CO., INC., a ) NO. 1:19-cv-03202-SMJ  
Washington Corporation; WGE )  
HOLDINGS, LLC, a Washington )  
Limited Liability Company; ) DECLARATION OF BARCLAY  
McDOUGALL FAMILY FARMING,) CRANE  
INC., a Washington Corporation; )  
McDOUGALL & SONS, INC., a )  
Washington Corporation; DOUBLE S )  
ORCHARDS, LLC, a Washington )  
Limited Liability Company; )  
COLUMBIA FRUIT PACKERS, )  
INC., a Washington Corporation; )  
COLUMBIA ORCHARD )  
MANAGEMENT, INC., a )  
Washington Corporation; and WADE )  
& WADE, LLC, a Washington )  
Limited Liability Company, )

Plaintiffs, )

vs. )

1 )  
2 UNITED STATES DEPARTMENT )  
3 OF LABOR; )  
4 )  
5 PATRICK PIZZELLA, in his official )  
6 capacity as Acting United States )  
7 Secretary of Labor; )  
8 )  
9 JOHN P. PALLASCH, in his official )  
10 capacity as Assistant Secretary of )  
11 Labor, Employment & Training )  
12 Administration, United States )  
13 Department of Labor; )  
14 )  
15 CHERYL M. STANTON, in her )  
16 official capacity as Administrator of )  
17 the Wage & Hour Division, United )  
18 States Department of Labor; )  
19 )  
20 Defendants. )  
21 )

BARCLAY CRANE pursuant to RCW 9A.72.085, states and declares:

1. I am over 18 years old and make this declaration based upon my personal knowledge. If called upon to do so, I could and would testify competently as a witness to the matters stated herein.

1           2.     I am the manager of Pegasus Premier Fruit, LLC.

2           3.     Pegasus Premier Fruit and its related and affiliated entities  
3 (collectively the “Company”) grows and harvests apples in Washington State  
4 on its own and/or on behalf of others.

5           4.     In 2018, the Company harvested approximately 7,000 bins of  
6 apples in Washington. Approximately 15 percent of those apples were  
7 Honeycrisp. This was from approximately 223 acres under cultivation.


8           5.     At least a portion of the wages paid by the Company for harvest  
9 of apples in 2018 was paid on an hourly basis.

10          6.     In 2018, the hourly wage rate paid by the Company for harvest  
11 of apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly  
12 wage rate paid by the Company for harvest of Honeycrisp apples was \$15.00  
13 per hour.

14          7.     At no point in 2018 did the Company pay \$16.00 (or more) per  
15 hour as an hourly wage for the harvest of apples. Workers had the ability to  
16 earn more by the hour when working by the piece.

17          8.     I declare under penalty of perjury under the laws of the State of  
18  
19  
20  
21

1 Washington that the foregoing/attached is true and correct.

2  
3 Signature: 

4 Printed name: Barclay Crane

5 Date: 

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF DALE M.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 Dale M. Foreman, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of LSI Orchard, LLC.

12 3. LSI Orchard, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 3,633 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and N/A of the Company's harvest of Honeycrisp apples came  
19 from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.12 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

9. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature: Ombar

Printed name: Dale M. Foreman, Member, LSI Orchard, LLC

Date: 9/25/2019



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF DALE M.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 Dale M. Foreman, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of Bench Orchard, LLC.

12 3. Bench Orchard, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 1,914 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and N/A of the Company's harvest of Honeycrisp apples came  
19 from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.12 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

9. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature: GMS

Printed name: Dale M. Foreman, Member, Bench Orchard, LLC

Date: 9/25/2019

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF DALE M.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

7 Defendants.

8 Dale M. Foreman, pursuant to RCW 9A.72.085, states and declares:

9 1. I am over 18 years old and make this declaration based upon my personal  
10 knowledge. If called upon to do so, I could and would testify competently as a witness to  
11 the matters stated herein.

12 2. I am a Member of Frenchman Orchards, LLC.

13 3. Frenchman Orchards, LLC and its related and affiliated entities (collectively  
14 the "Company") grows and harvests apples in Washington State on its own and/or on  
15 behalf of others.

16 4. In 2018, the Company harvested approximately 2,085 bins of apples in  
17 Washington. Approximately 5% of those apples were Honeycrisp.

18 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
19 high density orchards, and 0% of the Company's harvest of Honeycrisp apples came from  
20 high density orchards.

6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$12.00 to \$15.00 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

9. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature: Emerson

Printed name: Dale M. Foreman, Member, Frenchman Orchards,  
LLC

Date: 9/25/2019



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF DALE M.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

Defendants.

7 Dale M. Foreman, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of Phoenix Orchards, LLC.

12 3. Phoenix Orchards, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 7,363 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 100% of the Company's harvest of non-Honeycrisp apples came  
18 from high density orchards, and N/A of the Company's harvest of Honeycrisp apples  
19 came from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.12 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

9. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature: Emerson

Printed name: Dale M. Foreman, Member, Phoenix Orchards, LLC

Date: 9/25/2019

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF DALE M.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

Defendants.

7 Dale M. Foreman, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of Turtle Rock Orchard, LLC.

12 3. Turtle Rock Orchard, LLC and its related and affiliated entities (collectively  
13 the "Company") grows and harvests apples in Washington State on its own and/or on  
14 behalf of others.

15 4. In 2018, the Company harvested approximately 634 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and 0% of the Company's harvest of Honeycrisp apples came from  
19 high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.12 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

9. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature: Amos

Printed name: Dale M. Foreman, Member, Turtle Rock Orchard,  
LLC

Date: 9/25/2019



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
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4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF ADAM B.  
WRIGHT

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

Defendants.

7 Adam B. Wright, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the CFO of Panorama Orchards, LLC.

12 3. Panorama Orchards, LLC and its related and affiliated entities (collectively  
13 the "Company") grows and harvests apples in Washington State on its own and/or on  
14 behalf of others.

15 4. In 2018, the Company harvested approximately 1,737 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and N/A of the Company's harvest of Honeycrisp apples came  
19 from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

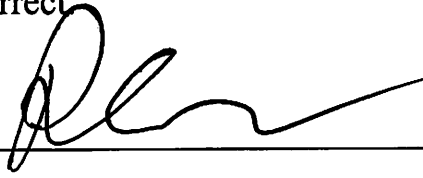
2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$12.00 to \$15.00 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct

3  
4           Signature: \_\_\_\_\_



5           Printed name: Adam B. Wright, CFO

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
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5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
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NO. 1:19-cv-03202-SMJ

DECLARATION OF ADAM B.  
WRIGHT

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

7 Defendants.

8 Adam B. Wright, pursuant to RCW 9A.72.085, states and declares:

9 1. I am over 18 years old and make this declaration based upon my personal  
10 knowledge. If called upon to do so, I could and would testify competently as a witness to  
11 the matters stated herein.

12 2. I am the CFO of Simmons Orchard, LLC.

13 3. Simmons Orchard, LLC and its related and affiliated entities (collectively  
14 the "Company") grows and harvests apples in Washington State on its own and/or on  
15 behalf of others.

16 4. In 2018, the Company harvested approximately 2,228 bins of apples in  
17 Washington. Approximately 0% of those apples were Honeycrisp.

18 5. In 2018, 34% of the Company's harvest of non-Honeycrisp apples came  
19 from high density orchards, and N/A of the Company's harvest of Honeycrisp apples  
20 came from high density orchards.

6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.12 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_



5           Printed name: Adam B. Wright, CFO

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
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5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF ADAM B.  
WRIGHT

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

Defendants.

7 Adam B. Wright, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the CFO of Elk Orchards, LLC.

12 3. Elk Orchards, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 1,704 bins of apples in  
16 Washington. Approximately 9% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and 0% of the Company's harvest of Honeycrisp apples came from  
19 high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$12.00 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_



5           Printed name: Adam B. Wright, CFO

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF ADAM B.  
WRIGHT

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

Defendants.

7 Adam B. Wright, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of JJ Orchards and Fruit, LLC.

12 3. JJ Orchards and Fruit, LLC and its related and affiliated entities (collectively  
13 the "Company") grows and harvests apples in Washington State on its own and/or on  
14 behalf of others.

15 4. In 2018, the Company harvested approximately 4,178 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 2% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and N/A of the Company's harvest of Honeycrisp apples came  
19 from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.12 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_



5           Printed name: Adam B. Wright, Member, JJ Orchards and Fruit,  
6 LLC

7           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF ADAM B.  
WRIGHT

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 Adam B. Wright, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the CFO of All That Jazz, LLC.

12 3. All That Jazz, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 960 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and N/A of the Company's harvest of Honeycrisp apples came  
19 from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

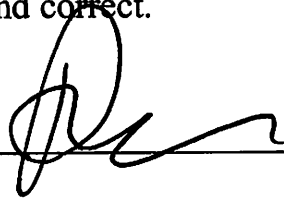
2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$12.50 to \$14.00 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_



5           Printed name: Adam B. Wright, CFO

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF ALAN GROFF

DECLARATION  
PAGE 1

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 Alan Groff, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of Meadow Lake, LLC.

12 3. Meadow Lake, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 287 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and N/A of the Company's harvest of Honeycrisp apples came  
19 from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$12.00 to \$15.25 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: Alan Groff, Member, Meadow Lake Orchard, LLC

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF ALAN GROFF

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

Defendants.

7 Alan Groff, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of Crown Orchard, LLC.

12 3. Crown Orchard, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 4,260 bins of apples in  
16 Washington. Approximately 3% of those apples were Honeycrisp.

17 5. In 2018, 100% of the Company's harvest of non-Honeycrisp apples came  
18 from high density orchards, and 100% of the Company's harvest of Honeycrisp apples  
19 came from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.12 to \$15.00 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: Alan Groff, Member, Crown Orchard, LLC

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF ALAN GOFF

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

Defendants.

7 Alan Groff, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of WP Orchard, LLC.

12 3. WP Orchard, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 10,082 bins of apples in  
16 Washington. Approximately 3% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and 0% of the Company's harvest of Honeycrisp apples came from  
19 high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$12.50 to \$15.00 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: Alan Groff, Member, WP Orchard, LLC

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF ALAN GROFF

DECLARATION  
PAGE 1

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 Alan Groff, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of Highland Harvest Orchards, LLC.

12 3. Highland Harvest Orchards, LLC and its related and affiliated entities  
13 (collectively the "Company") grows and harvests apples in Washington State on its own  
14 and/or on behalf of others.

15 4. In 2018, the Company harvested approximately 1,496 bins of apples in  
16 Washington. Approximately 11% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and 0% of the Company's harvest of Honeycrisp apples came from  
19 high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.12 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: Alan Groff, Member, Highland Harvest Orchards,

6           LLC

7           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
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5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JAMES S.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

4 CHERYL M. STANTON, in her official  
5 capacity as Administrator of the Wage &  
6 Hour Division, United States Department  
7 of Labor;

8 Defendants.

9 James S. Foreman, pursuant to RCW 9A.72.085, states and declares:

10 1. I am over 18 years old and make this declaration based upon my personal  
11 knowledge. If called upon to do so, I could and would testify competently as a witness to  
12 the matters stated herein.

13 2. I am a Member of Reyna Orchards LLC.

14 3. Reyna Orchards LLC and its related and affiliated entities (collectively the  
15 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
16 of others.

17 4. In 2018, the Company harvested approximately 471 bins of apples in  
18 Washington. Approximately 0% of those apples were Honeycrisp.

19 5. In 2018, 100% of the Company's harvest of non-Honeycrisp apples came  
20 from high density orchards, and N/A of the Company's harvest of Honeycrisp apples  
came from high density orchards.

6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$12.00 to \$14.12 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: James S. Foreman, Member, Reyna Orchards, LLC

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JAMES S.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

Defendants.

7 James S. Foreman, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of Vantage Orchards, LLC.

12 3. Vantage Orchards, LLC and its related and affiliated entities (collectively  
13 the "Company") grows and harvests apples in Washington State on its own and/or on  
14 behalf of others.

15 4. In 2018, the Company harvested approximately 4,377 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and N/A of the Company's harvest of Honeycrisp apples came  
19 from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.00 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: James S. Foreman, Member, Vantage Orchards, LLC

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JAMES S.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 James S. Foreman, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of OK Orchard, LLC.

12 3. OK Orchard, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 1,626 bins of apples in  
16 Washington. Approximately 0% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and N/A of the Company's harvest of Honeycrisp apples came  
19 from high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$11.50 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: James S. Foreman, Member, OK Orchard, LLC

6           Date: 9/25/2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JAMES S.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

Defendants.

7 James S. Foreman, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am a Member of Brays Orchard, LLC.

12 3. Brays Orchard, LLC and its related and affiliated entities (collectively the  
13 "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 5,583 bins of apples in  
16 Washington. Approximately 2% of those apples were Honeycrisp.

17 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
18 high density orchards, and 0% of the Company's harvest of Honeycrisp apples came from  
19 high density orchards.

20 6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$14.12 to \$15.00 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: James S. Foreman, Member, Brays Orchard, LLC

6           Date: 9/25/2019  
7  
8  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JAMES S.  
FOREMAN

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
3 United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
5 Hour Division, United States Department  
6 of Labor;

7 Defendants.

8 James S. Foreman, pursuant to RCW 9A.72.085, states and declares:

9 1. I am over 18 years old and make this declaration based upon my personal  
10 knowledge. If called upon to do so, I could and would testify competently as a witness to  
11 the matters stated herein.

12 2. I am a Member of Foreman Fruit and Land Company, LLC.

13 3. Foreman Fruit and Land Company, LLC and its related and affiliated entities  
14 (collectively the "Company") grows and harvests apples in Washington State on its own  
15 and/or on behalf of others.

16 4. In 2018, the Company harvested approximately 2,319 bins of apples in  
17 Washington. Approximately 3% of those apples were Honeycrisp.

18 5. In 2018, 0% of the Company's harvest of non-Honeycrisp apples came from  
19 high density orchards, and 0% of the Company's harvest of Honeycrisp apples came from  
20 high density orchards.

6. At least a portion of the wages paid by the Company for harvest of apples in

1 2018 was paid on an hourly basis.

2 7. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
3 including Honeycrisp, was \$12.00 to \$14.00 per hour.

4 8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5 hourly wage for the harvest of apples.

6 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           9.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4                   Signature: \_\_\_\_\_

5                   Printed name:   James S. Foreman, Member, Foreman Fruit and Land  
6                   Company, LLC

7                   Date:     9/25/2019  
8  
9  
10  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF CHERYL BUSH

DECLARATION  
PAGE 1

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 CHERYL BUSH, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the CFO at WGE Holdings, LLC.

12 3. WGE Holdings, LLC and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 431,000 bins of apples in  
16 Washington. Approximately 4.95 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$11.50 per hour in Yakima County and \$14.12 per hour in

DECLARATION  
PAGE 2

Declaration of Cheryl Bush

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Mattawa, the only orchard where H-2A workers are employed by the Company. In 2018,  
2 the hourly wage rate paid by the Company for harvest of Honeycrisp apples was \$11.50  
3 per hour. There are no Honeycrisp in Mattawa, therefore the AEWR for this variety is not  
4 applicable.

5 7. At the start of the 2018 harvest, we paid the majority of the pickers on a piece  
6 rate basis, with a guaranteed hourly rate equal to minimum wage (\$11.50 per hour) in  
7 Yakima County and the adverse effective wage rate (\$14.12 per hour) in Mattawa, which  
8 is where we employed some H-2A workers.

9 8. During the 2018 harvest, we changed the compensation calculation to hourly  
10 + a piece pay incentive, and we continued to use \$11.50 per hour in Yakima County and  
11 \$14.12 per hour in Mattawa as our hourly rate.

12 9. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
13 hourly wage for the harvest of apples.

1           10.    I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3                               Signature: Cheryl Bush

4                               Printed name: Cheryl Bush

5                               Date: 9/25/2019

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF MICHAEL ROCHE

DECLARATION  
PAGE 1

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 MICHAEL ROCHE, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Member/Manager at MMP Orchards, LLC/MWR Riverside  
12 Orchards, LLC, and MWR Holdings, LLC.

13 3. MMP Orchards, LLC/MWR Riverside Orchards, LLC, and MWR Holdings,  
14 LLC and its related and affiliated entities (collectively, the "Company") grows and harvests  
15 apples in Washington State on its own and/or on behalf of others.

16 4. In 2018, the Company harvested approximately 96,438 bins of apples in  
17 Washington. Approximately 13 percent of those apples were Honeycrisp.

18 5. At least a portion of the wages paid by the Company for harvest of apples in  
19 2018 was paid on an hourly basis.

20 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,

DECLARATION  
PAGE 2

Declaration of Michael Roche

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 excluding Honeycrisp, was N/A per hour. In 2018, the hourly wage rate paid by the  
2 Company for harvest of Honeycrisp apples was N/A per hour.

3       7.     At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
4 hourly wage for the harvest of apples.

1           8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3                               Signature: Michael Roche

4                               Printed name: Michael Roche

5                               Date: 9/26/19



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF BRANDON LEWIS

DECLARATION  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 BRANDON LEWIS, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the President at Brandon Lewis Orchards, Inc.

12 3. Brandon Lewis Orchards, Inc and its related and affiliated entities  
13 (collectively, the "Company") grows and harvests apples in Washington State on its own  
14 and/or on behalf of others.

15 4. In 2018, the Company harvested approximately 13,000 bins of apples in  
16 Washington. Approximately 45 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$15.00 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

8. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature:

*[Signature]*

Printed name:

Brandon Lewis

Date:

9/26/2019

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JAKE ROBINSON

DECLARATION  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 JAKE ROBINSON, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Vice President at Robinson Orchards Inc.

12 3. Robinson Orchards Inc. and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 3,200 bins of apples in  
16 Washington. Approximately 25 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the

DECLARATION  
PAGE 2


JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$15.00 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: Jake Robison\_\_\_\_\_

6           Date: 9/26/2019\_\_\_\_\_



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF JON WARLING

DECLARATION  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 JON WARLING, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Owner at Mar-Jon Orchards.

12 3. Mar-Jon Orchards and its related and affiliated entities (collectively, the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 8,500 bins of apples in  
16 Washington. Approximately 0 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was N/A per hour. In 2018, the hourly wage rate paid by the

DECLARATION  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
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Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was N/A per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3                               Signature: Jon Warling

4                               Printed name: Jon Warling

5                               Date: 9/26/19

1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
4 Wenatchee, WA 98807-1688  
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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 EVANS FRUIT CO., INC., a  
9 Washington Corporation; WGE  
HOLDINGS, LLC, a Washington  
10 Limited Liability Company;  
McDOUGALL FAMILY  
11 FARMING, INC., a Washington  
Corporation; McDOUGALL &  
12 SONS, INC., a Washington  
Corporation; DOUBLE S  
13 ORCHARDS, LLC, a Washington  
Limited Liability Company;  
14 COLUMBIA FRUIT PACKERS,  
INC., a Washington Corporation;  
15 COLUMBIA ORCHARD  
MANAGEMENT, INC., a  
16 Washington Corporation; and WADE  
& WADE, LLC, a Washington  
17 Limited Liability Company,  
18

19 Plaintiffs,

20 vs.

21 UNITED STATES DEPARTMENT  
22 OF LABOR;

PATRICK PIZZELLA, in his official

DECLARATION  
PAGE 1 OF 4

NO. 1:19-cv-03202-SMJ

DECLARATION OF MICHAEL  
VINCENT

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Acting United States  
2 Secretary of Labor;

3 JOHN P. PALLASCH, in his official  
4 capacity as Assistant Secretary of  
5 Labor, Employment & Training  
6 Administration, United States  
7 Department of Labor;

8 CHERYL M. STANTON, in her  
9 official capacity as Administrator of  
10 the Wage & Hour Division, United  
11 States Department of Labor;

12 Defendants.

1 MICHAEL VINCENT, pursuant to RCW 9A.72.085, states and declares:

2 1. I am over 18 years old and make this declaration based upon my  
3 personal knowledge. If called upon to do so, I could and would testify  
4 competently as a witness to the matters stated herein.

5 2. I am the President at Vincent Orchards, Inc.

6 3. Vincent Orchards, Inc and its related and affiliated entities  
7 (collectively the "Company") grows and harvests apples in Washington State on  
8 its own and/or on behalf of others.

9 4. In 2018, the Company harvested approximately 5,500 bins of  
10 apples in Washington. Approximately 27 percent of those apples were  
11 Honeycrisp.  
12

13 5. At least a portion of the wages paid by the Company for harvest of  
14 apples in 2018 was paid on an hourly basis.  
15

16 6. In 2018, the hourly wage rate paid by the Company for harvest of  
17 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
18 rate paid by the Company for harvest of Honeycrisp apples was \$14.12 per hour.

19 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour  
20 as an hourly wage for the harvest of apples.  
21

22 8. I declare under penalty of perjury under the laws of the State of

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22

Washington that the foregoing/attached is true and correct.

Signature: Michael Vincent  
Printed name: Michael Vincent  
Date: September 26, 2019



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
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5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF BEAU VAN  
WINKLE

DECLARATION  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 BEAU VAN WINKLE, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Vice President at Van Winkle Orchards, Inc.

12 3. Van Winkle Orchards, Inc. and its related and affiliated entities (collectively,  
13 the "Company") grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 6,000 bins of apples in  
16 Washington. Approximately 15 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was \$15.03 per hour. In 2018, the hourly wage rate paid by the

DECLARATION  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
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Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$15.00 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

8. I declare under penalty of perjury under the laws of the State of Washington that the foregoing/attached is true and correct.

Signature: 

Printed name: Beau Van Winkle

Date: 9/26/2019

1 SALLY W. HARMELING, WSBA No. 49457  
2 ROBERT R. SIDERIUS, WSBA No. 15551  
3 PETER A. SPADONI, WSBA No. 11390  
4 Jeffers, Danielson, Sonn & Aylward, P.S.  
5 P.O. Box 1688  
6 Wenatchee, WA 98807-1688  
7 (509) 662-3685 / (509) 662-2452 FAX

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF WASHINGTON

10 EVANS FRUIT CO., INC., a Washington  
11 Corporation; WGE HOLDINGS, LLC, a  
12 Washington Limited Liability Company;  
13 McDOUGALL FAMILY FARMING,  
14 INC., a Washington Corporation;  
15 McDOUGALL & SONS, INC., a  
16 Washington Corporation; DOUBLE S  
17 ORCHARDS, LLC, a Washington  
18 Limited Liability Company; COLUMBIA  
19 FRUIT PACKERS, INC., a Washington  
20 Corporation; COLUMBIA ORCHARD  
MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
a Washington Limited Liability Company,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF  
LABOR;

PATRICK PIZZELLA, in his official  
capacity as Acting United States Secretary  
of Labor;

NO. 1:19-cv-03202-SMJ

DECLARATION OF

MAURO FELIZIA

DECLARATION  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
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Wenatchee, WA 98807-1688

1 JOHN P. PALLASCH, in his official  
2 capacity as Assistant Secretary of Labor,  
3 Employment & Training Administration,  
4 United States Department of Labor;

5 CHERYL M. STANTON, in her official  
6 capacity as Administrator of the Wage &  
7 Hour Division, United States Department  
8 of Labor;

9 Defendants.

10 Mauro Felizia, pursuant to RCW 9A.72.085, states and declares:

11 1. I am over 18 years old and make this declaration based upon my  
12 personal knowledge. If called upon to do so, I could and would testify  
13 competently as a witness to the matters stated herein.

14 2. I am the President of Dovex Fruit Company.

15 3. Dovex Fruit Company and its related and affiliated entities (collectively  
16 the "Company") grows and harvests apples in Washington State on its own and/or  
17 on behalf of others.

18 4. In 2018, the Company harvested approximately 62,000 bins of apples  
19 in Washington. Approximately nine percent (9%) of those apples were  
20 Honeycrisp.

5. In 2018, approximately one-third (1/3<sup>rd</sup>) of the Company's apples came  
from orchards with 800 or more trees per acre.

1           6. At least a portion of the wages paid by the Company for harvest of  
2 apples in 2018 was paid on an hourly basis.

3           7. In 2018, the hourly wage rate paid by the Company for harvest of  
4 apples, excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage  
5 rate paid by the Company for harvest of Honeycrisp apples was \$15.00 per hour.

6           8. At no point in 2018 did the Company pay \$16.00 (or more) per hour as  
7 an hourly wage for the harvest of apples by harvest workers. However, on  
8 occasion crew bosses with regular hourly pay rates of \$16.00 per hour or more  
9 pick apples but the total number of hours crew bosses spent picking would be  
10 less than one percent (1%) of the total employee hours spent picking apples in  
11 2018.

12 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*  
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1                    9. I declare under penalty of perjury under the laws of the State of  
2 Washington that the foregoing/attached is true and correct.

3  
4                    Signature: \_\_\_\_\_

5                    Printed name: MAURO FELIZIA

6                    Date: \_\_\_\_\_



1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
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4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF

Miles Kohl

Allan Bros., Inc.

DECLARATION  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5 Defendants.

6  
7 Miles Kohl, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Chief Executive Officer at Allan Bros., Inc.

12 3. Allan Bros., Inc. and its related and affiliated entities (collectively the  
13 “Company”) grows and harvests apples in Washington State on its own and/or on behalf  
14 of others.

15 4. In 2018, the Company harvested approximately 69,309 bins of apples in  
16 Washington. Approximately 18.2 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19  
20  
DECLARATION  
PAGE 2

4768240

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
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Wenatchee, WA 98807-1688

1           6.     In 2018, the hourly wage rate paid by the Company for harvest of apples,  
2     excluding Honeycrisp, was \$14.12 per hour. In 2018, the hourly wage rate paid by the  
3     Company for harvest of Honeycrisp apples was \$15.00 per hour.

4           7.     At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
5     hourly wage for the harvest of apples.

6     *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3  
4           Signature: \_\_\_\_\_

5           Printed name: Miles Kohl

6           Date: September 27, 2019  
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1 SALLY W. HARMELING, WSBA No. 49457  
ROBERT R. SIDERIUS, WSBA No. 15551  
2 PETER A. SPADONI, WSBA No. 11390  
Jeffers, Danielson, Sonn & Aylward, P.S.  
3 P.O. Box 1688  
Wenatchee, WA 98807-1688  
4 (509) 662-3685 / (509) 662-2452 FAX

5  
6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 EVANS FRUIT CO., INC., a Washington  
8 Corporation; WGE HOLDINGS, LLC, a  
Washington Limited Liability Company;  
9 McDOUGALL FAMILY FARMING,  
INC., a Washington Corporation;  
10 McDOUGALL & SONS, INC., a  
Washington Corporation; DOUBLE S  
11 ORCHARDS, LLC, a Washington  
Limited Liability Company; COLUMBIA  
12 FRUIT PACKERS, INC., a Washington  
Corporation; COLUMBIA ORCHARD  
13 MANAGEMENT, INC., a Washington  
Corporation; and WADE & WADE, LLC,  
14 a Washington Limited Liability Company,

15 Plaintiffs,

16 vs.

17 UNITED STATES DEPARTMENT OF  
LABOR;

18 PATRICK PIZZELLA, in his official  
19 capacity as Acting United States Secretary  
of Labor;

20 JOHN P. PALLASCH, in his official

NO. 1:19-cv-03202-SMJ

DECLARATION OF BRIAN ALEGRIA

DECLARATION  
PAGE 1

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 capacity as Assistant Secretary of Labor,  
2 Employment & Training Administration,  
United States Department of Labor;

3 CHERYL M. STANTON, in her official  
4 capacity as Administrator of the Wage &  
Hour Division, United States Department  
of Labor;

5  
6 Defendants.

7 BRIAN ALEGRIA, pursuant to RCW 9A.72.085, states and declares:

8 1. I am over 18 years old and make this declaration based upon my personal  
9 knowledge. If called upon to do so, I could and would testify competently as a witness to  
10 the matters stated herein.

11 2. I am the Director at Central Washington Ag Services, Inc.

12 3. Central Washington Ag Services, Inc. and its related and affiliated entities  
13 (collectively, the "Company") grows and harvests apples in Washington State on its own  
14 and/or on behalf of others.

15 4. In 2018, the Company harvested approximately 118,958 bins of apples in  
16 Washington. Approximately 8.5 percent of those apples were Honeycrisp.

17 5. At least a portion of the wages paid by the Company for harvest of apples in  
18 2018 was paid on an hourly basis.

19 6. In 2018, the hourly wage rate paid by the Company for harvest of apples,  
20 excluding Honeycrisp, was N/A per hour. In 2018, the hourly wage rate paid by the

DECLARATION  
PAGE 2

JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
Attorneys at Law  
(509) 662-3685 / FAX (509) 662-2452  
2600 Chester Kimm Road / P.O. Box 1688  
Wenatchee, WA 98807-1688

1 Company for harvest of Honeycrisp apples was \$15.00 per hour.

2 7. At no point in 2018 did the Company pay \$16.00 (or more) per hour as an  
3 hourly wage for the harvest of apples.

4 *[SIGNATURE FOLLOWS ON THE NEXT PAGE]*

1           8.     I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing/attached is true and correct.

3                               Signature: B. E. Aylward

4                               Printed name: Brian E. Aylward

5                               Date: 9/27/19